

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARKHAM DESHAY JONES,

Defendant.

4:13CR3044

MEMORANDUM AND ORDER

The court granted Defendant Jones' Motion to Issue Subpoena In Forma Pauperis for service on witness Sharife Davis. See Filing No. 37. Davis is currently serving a jail sentence imposed by the Lancaster County District Court, but he is not in the Lancaster County Jail. Davis will return to the Lancaster County Jail before he is released and, at that time, the Marshal will serve Davis with the subpoena to testify at the defendant's trial. Thus, the defendant is able to locate Davis and serve him with a subpoena to testify, and he does not need to depose Davis for the trial of this case.

Accordingly,

IT IS ORDERED that the government's objection, (Filing No. 35), is granted, and the defendant's motion to depose Sharife Davis to preserve his trial testimony, (Filing No. 34), denied.

September 16, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge